

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JULY 2, 2002  
(Approved July 16, 2002)

#### **CALL TO ORDER/NOTING OF QUORUM**

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Executive Secretary Steiner and Industry Liaison Okey.

Pam Ferguson of WSWI, Mark Shublak of Ice Miller, John Barnett of DISCUS, Marc Carmichael of IBA, Jim Calvert of Olinger, Patrick Tamm and Debra Scott of IABR were present as observers.

#### **COMMUNICATIONS FROM THE FLOOR**

There were no Communications From the Floor.

#### **DISPOSITION OF MINUTES**

Commissioner Marks moved to approve the minutes that were submitted for the June 18, 2002 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

#### **HEARING JUDGE'S RECOMMENDATIONS**

DL85-10388 NORTHSIDE CARRYOUT, INC. – Hearing Judge Steiner stated this permittee was cited with the sale of alcoholic beverages to a minor and allowing a minor to loiter. The permittee filed an appeal and the matter was scheduled for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to find the permittee guilty of both offenses. Motion seconded by Commissioner Marks and it was unanimously approved.

#### **APPEAL OF HEARING JUDGE'S RECOMMENDATIONS**

There were no Appeals of Hearing Judge's Recommendations.

## **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Two hundred seventy-eight (278) renewals approved, thirty-two (32) new and/or transfer permits approved, fourteen (14) permits conditionally approved, four (4) permits approved for first year escrow and two (2) permits approved for second year escrow.

## **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

DL02-19838 LASSUS BROS. OIL, INC. – Vice Chairperson Glass noted this is a new type 116 application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR91-19823 PINNACLE FOOD SERVICES, INC. – Vice Chairperson Glass noted this is a new type 103 application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR45-91471 LANETTA ZUNIKA – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RC84-02328 PACHYDERM CLUB - Vice Chairperson Glass noted this is a type 211-1 permit. The permittee is requesting that this permit be converted to a type 210 permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

### **INACTIVE FILES**

Commissioner Marks moved to make thirteen permits inactive. Ten (10) permits are not subject to auction and three (3) permits are subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR27-197960 ROBERT NUNN – Appeal will be assigned to a hearing officer.

### **OLD BUSINESS**

There was no Old Business.

### **NEW BUSINESS**

TRI-STATE UNIVERSITY WINE TASTING – Tri-State University is requesting permission to conduct a wine tasting fundraiser.

RATHSKELLER WINE AND BREW FEST – The Leukemia & Lymphoma Society is requesting permission to hold a wine and beer tasting fund raiser.

PREMIER FALL WINE FESTIVAL – Premier Wines would is requesting permission to hold their annual Premier Fall Wine Festival.

AMERICAN CANCER SOCIETY REACH FOR THE STARS – American Cancer Society is requesting permission to serve donated alcoholic beverages at their Reach for the Stars fundraiser.

IDEAL ENTERTAINMENT GROUP FUNDRAISING EVENT – Ideal Entertainment Group is requesting permission to serve donated alcoholic beverages at their fundraising event to benefit the Humane Society.

ST. ELIZABETH'S ELIZABELLA BALL – St. Elizabeth's is requesting permission to serve donated alcoholic beverages at their Elizabella Ball.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **POLICY DETERMINATIONS**

There were no Policy Determinations.

### **UNDER ADVISEMENT**

PROPOSED RULES – Chairperson DePrez stated the Commission held the public hearing on eight proposed rules, LSA Document #01-13, LSA Document #01-255, LSA Document #01-256, LSA Document #01-258, LSA Document #01-259, LSA Document #01-260, LSA Document #01-261 and LSA Document #01-262 on January 29, 2002. Written comments regarding these rules were accepted before, during and after the hearing. The Chairperson noted that she met with the Attorney General's office, after the public hearing, for a preliminary review of the proposed rules. The Attorney General was provided with the written comments from the public concerning the rules.

The Attorney General's office stated that the pharmacy floor plan rule was dead on arrival at it's office, so that is no longer under consideration. There were also problems concerning the other rules, such as procedural issues, legal issues, statutory authority, ambiguity, definition sections, vagueness, form and content. The one rule that is salvageable, with some minor changes, is LSA Document #01-262 regarding posting of signs. Therefore, the Chairperson recommended the Commission move forward with this rule.

Vice Chairperson Glass stated the change for LSA Document #01-262 was to require the sign be posted for ten (10) days, rather than twenty-one (21) days, prior to the local board hearing.

Vice Chairperson Glass moved to approve LSA Document #01-262 and to discontinue the process for the other proposed rules. Motion seconded by Commissioner Davis and it was unanimously approved.

### **ANNOUNCEMENTS**

There were no Announcements.

### **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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MARY DEPREZ, CHAIRPERSON

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BARBARA L. GLASS, VICE CHAIRPERSON

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JAMES DAVIS, COMMISSIONER

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GIGI M. MARKS, COMMISSIONER